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**STATE OF MAINE
BOARD OF OVERSEERS OF THE BAR**

BOARD OF OVERSEERS OF THE BAR

Grievance Commission

GCF No. 17-017

Board of Overseers of the Bar)
Petitioner)
v.)
)
Erielle L. Dexter, Esq.)
of Bath, ME)
Me. Bar No. 004762)
Respondent)

**REPORT OF
FINDINGS AND ORDER OF
PANEL C OF THE GRIEVANCE
COMMISSION
M. Bar R. 13(e)**

On September 8, 2017, with due notice, Panel C of the Grievance Commission conducted a public disciplinary hearing pursuant to Maine Bar Rule 13(e) concerning misconduct by the Respondent, Erielle L. Dexter, Esq. This disciplinary proceeding had been commenced by the filing of a Disciplinary Petition by the Board of Overseers of the Bar (the Board) on June 27, 2017.

At the hearing, the Board was represented by Bar Counsel J. Scott Davis. Attorney Dexter failed to appear.

PROCEDURAL HISTORY

Pursuant to M. Bar R. 13 (e), on or about January 5, 2017, Bar Counsel filed a grievance complaint alleging that Respondent had violated M. Bar R. 4(k)(8), based upon her failure to file the required "notification affidavit" attesting her compliance with M. Bar R. 4(k) in light of her suspension from practice in Maine effective October 18, 2016. At the time of the hearing, the Respondent having failed to appear, Bar counsel indicated his satisfaction with the composition of the Panel.

FINDINGS

Effective October 18, 2016, Respondent was administratively suspended by the Board pursuant to M. Bar R. 4(g)(2) due to her failure to comply with the annual registration requirement of M. Bar R. 4(a), and the continuing legal education credit hours requirement of M. Bar R. 5(b) In response to Bar Counsel's letter of January 19, 2017, notifying Respondent of these obligations, Respondent failed to file any response. In response to Bar Counsel's letter of March 7, 2017, requesting her comments in response to the Grievance Complaint, Respondent also failed to file a response.

Respondent remains suspended from the practice of law in Maine for having failed to file the aforesaid affidavits or to have addressed the administrative rule failures that had caused her suspension to be imposed. The panel finds that Respondent has violated M. Bar R. 4(k)(8) and M.R. Prof. Conduct 8.1 and 8.4(a) and (d).

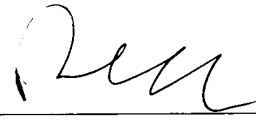
CONCLUSION AND SANCTION

Having concluded that respondent had violated the aforesaid Rules, it remains for the panel to determine the appropriate sanction. The Maine Bar Rules provide that the purpose of bar disciplinary proceedings is not punishment, but rather, the protection of the public from attorneys who, by their conduct, have demonstrated that they are unable to properly discharge their professional duties. Among the factors considered in imposing sanctions are: the duty violated, the lawyer's mental state, actual or potential injury caused by the

lawyer's misconduct and existence of any aggravating or mitigating circumstances. See Me. Bar. R. 21(c) and *ABA Standards for Imposing Lawyer Sanctions*, 1991 (ABA Standards).

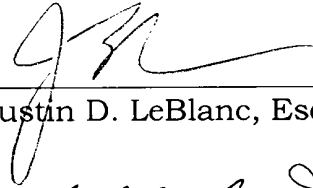
The first factor to be considered for sanctions under *ABA Standards* is to determine what duty the Respondent has breached. The Maine Rules of Professional Conduct and the Maine Bar Rules require attorneys to uphold their responsibilities to clients and the courts. Respondent violated her duties to the legal system by failing to complete the annual registration requirements, by failing file the required notification affidavit once she was administratively suspended, and by failing to comply with continuing legal education requirements applicable to her, as set forth above. Respondent's neglect caused minor injury to the legal system. The Maine Supreme Judicial Court promulgated the Maine Bar Rules and the Maine Rules of Professional Conduct to govern the practice of law by Maine attorneys. The information collected by the annual registration of lawyers facilitates the protection of the public and courts. Respondent's continuing failure to file an affidavit complying with Maine Bar Rule 4(k)(8) is an aggravating circumstance. Because the evidence supports a finding that respondent did, in fact, violate the Maine Rules of Professional Conduct, the Panel finds that a public reprimand serves those purposes. Therefore, the panel concludes that the appropriate disposition of this case is a **public reprimand** to Respondent, which is now hereby issued and imposed upon her pursuant to Maine Bar Rule 21(b)(5).

Date: Sept. 19, 2017



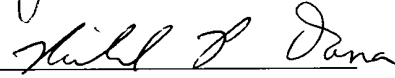
Robert S. Hark, Esq.
Chair, Panel C

Date: September 21, 2017



Justin D. LeBlanc, Esq.

Date: 9/29/2017



Richard P. Dana, CPA